

Legal Notice of The Constitutionally protected Right to Forego Medical Treatment
including vaccines

16A C.J.S. Constitutional Law § 780 Corpus Juris Secundum | February 2021 Update
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J.D. PART III. Overview of Protected Personal Rights and Freedoms; Police Power IX.
Personal, Civil, and Political Rights and Freedoms C.

Personal Liberty 1. In General, § 780. Definitions, nature, and extent.

The right of personal liberty consists of the power of locomotion, of changing situation or removing one's person to whatsoever place one's inclination may direct without any restraint except by due process of law. Liberty under the law extends to the full range of conduct which an individual is free to pursue.¹ It is not limited to freedoms exclusively named in either the Bill of Rights or elsewhere in the Constitution² but instead extends to the basic values implicit in the concept of ordered liberty and to basic civil rights.³ The right of personal liberty consists in the power of locomotion, of changing situation or removing one's person to whatever place one's inclination may direct without any restraint except by due process of law.⁴ It includes a person's right to be let alone and to determine his or her mode of life whether it be a life of publicity or of privacy, and to order his or her life and manage his or her affairs in a manner that may be most agreeable to him or her, so long as he or she does not violate the rights of others or of the public.⁵ § 780. Definitions, nature, and extent,

16A C.J.S. Constitutional Law § 780 © 2021 Thomson Reuters. No claim to original U.S. Government Works. 2 Individuals have a right to be free from physical restraint⁶ and to move about as long as they are not committing a crime.⁷ Freedom of

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movement is a fundamental right within the concept of personal liberty⁸ and is generally associated with the fundamental right to travel.⁹ The right of personal liberty frequently includes other rights, such as the right to enter into and maintain certain human relationships,¹⁰ including family relationships and the parent-child relationship,¹¹ the right to forego medical treatment,¹² and the absence of arbitrary and unreasonable restraint on a person in the conduct of his or her business and the handling of his or her property.¹³ While there is some authority to the contrary,¹⁴ the right to live where one chooses is generally regarded as a fundamental right and an integral part of the right of liberty and is constitutionally protected.¹⁵ Liberty in this sense is the liberty of natural, not artificial, persons.¹⁶ Certain purely personal constitutional guarantees are unavailable to corporations and other organizations.¹⁷ Whether a right is purely personal depends on its nature, history, and purpose.¹⁸

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Footnotes 1 U.S.—*Neinast v. Board of Trustees of Columbus Metropolitan Library*, 346 F.3d 585, 2003 FED App. 0363P (6th Cir. 2003); *Ricks v. District of Columbia*, 414 F.2d 1097 (D.C. Cir. 1968). 2 U.S.—*Brown v. Supreme Court of Virginia*, 359 F. Supp. 549 (E.D. Va. 1973), judgment aff'd, 414 U.S. 1034, 94 S. Ct. 533, 38 L. Ed. 2d 327 (1973) and judgment aff'd, 414 U.S. 1034, 94 S. Ct. 534, 38 L. Ed. 2d 327 (1973). Cal.—*City of Carmel-By-The-Sea v. Young*, 2 Cal. 3d 259, 85 Cal. Rptr. 1, 466 P.2d 225, 37 A.L.R.3d 1313 (1970). 3 Cal.—*City of Carmel-By-The-Sea v. Young*, 2 Cal. 3d 259, 85 Cal. Rptr. 1, 466 P.2d 225, 37 A.L.R.3d 1313 (1970). 4 U.S.—*Civil Rights Cases*, 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835 (1883). Okla.—*Dowell v. City of Tulsa*, 1954 OK 194, 273 P.2d 859, 43 A.L.R.2d 445 (Okla. 1954). Pretrial detention Any pretrial detention impinges on right to liberty. N.Y.—*People ex rel. Wayburn v. Schupf*, 39 N.Y.2d 682, 385 N.Y.S.2d 518, 350 N.E.2d 906 (1976). Right not to be imprisoned without hearing U.S.—*Jackson v. Fair*, 846 F.2d 811 (1st Cir. 1988). 5 Ga.—*McDaniel v. Atlanta Coca-Cola Bottling Co.*, 60 Ga. App. 92, 2 S.E.2d 810 (1939). 6 Cal.—*People v. Landau*, 214 Cal. App. 4th 1, 154 Cal. Rptr. 3d 1 (4th Dist. 2013), review filed, (Mar. 21, 2013). Md.—*Wheeler v. State*, 160 Md. App. 566, 864 A.2d 1058 (2005). Mass.—*Com. v. Knapp*, 441 Mass. 157, 804 N.E.2d 885 (2004). Wis.—*State ex rel. Marberry v. Macht*, 2002 WI App 133, 254 Wis. 2d 690, 648 N.W.2d 522 (Ct. App. 2002), decision rev'd on other grounds,

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2003 WI 79, 262 Wis. 2d 720, 665 N.W.2d 155 (2003). Arrest and detention U.S.—Apton v. Wilson, 506 F.2d 83 (D.C. Cir. 1974). Right not reserved exclusively for U.S. citizens U.S.—Lozano-Castaneda v. Garcia, 238 F. Supp. 2d 853 (W.D. Tex. 2002).

Constitutional law is that department of the law which treats constitutions and the validity of enactments as tested by the criterion of conformity to fundamental law.¹ It is the field of law dealing with aspects of constitutional provisions, such as restrictions on government powers and guarantees of rights.² It is also the body of law deriving from the U.S. Constitution and dealing primarily with governmental powers, civil rights, and civil liberties.³ In constitutional law, the word "constitution" implies the written instrument agreed upon by the people as the absolute rule of action and decision for all departments and officers of government, in respect to all points covered by it, which must control until it is changed by the authority which established it.⁴ 16 C.J.S. Constitutional Law § 4 . Constitutional law.

The word "constitution" means a declaration of fundamental laws or principles for the government of a nation or state.¹ A constitution is the fundamental law by which all people of the state are governed;² it is the basic charter of state governance.³ A state constitution receives its force from the express will of the people⁴ and is the embodiment of the will of the people⁵ regarding the limits on governmental power.⁶ The legitimacy of any constitution is derived primarily from the consent of those agreeing to be bound by it.⁷ Where a constitution asserts a certain right or lays down a certain principle of law or procedure, it speaks for the entire people as their supreme law.⁸ Whatever the constitution prescribes, the general assembly, and every officer or citizen to whom the mandate is addressed, must do, and whatever it prohibits, the general assembly, and every officer and citizen, must refrain from doing.⁹ The government has broad powers, but the means it uses to achieve its ends must be consistent with the letter and spirit of the constitution.¹⁰ A strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way.¹¹ The powers granted under the Constitution are not infinite; the power the Constitution grants, it also restrains.¹² Although a constitution may be either written (as in the case of the United States) or unwritten (as in the case of Great Britain), the word "constitution," as applied to the organization of our federal and state

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governments, always implies a written document which is understood to have been enacted by the direct action of the people.¹³ A constitution is a fundamental document, which, in recognizing citizens' rights and establishing government, provides essential checks and balances whose complexity is to be neither undervalued nor disregarded.¹⁴ 16 Am. Jur. 2d Constitutional Law § 1 2021 Update.

A constitution serves to protect the people against arbitrary power.¹ The basic purposes of a written constitution are to secure to people certain unchangeable rights and remedies and to curtail unrestricted governmental activity within defined fields.² The guarantees provided by the federal and state constitutions apply equally to all and cannot be denied to any one person without weakening the rights of all.³ Indeed, a constitution is not primarily designed to protect majorities who are usually able to protect themselves but to preserve and protect the rights of individuals and minorities against the arbitrary actions of those in authority.⁴ It is thus a function of constitutions to declare and protect fundamental rights.⁵ A constitution is intended to preserve practical and substantial rights, not to maintain theories.⁶ A constitution is, therefore, concerned with practical, substantial rights, not with those that are unclear and gain hold by subtle and involved reasoning.⁷ Constitutional rights cannot be created by statutes or rules,⁸ nor can they be abrogated by executive or judicial action.⁹ Further, the absence of an enabling statute cannot be construed to nullify rights provided by a constitution if those rights are sufficiently specific.¹⁰ 16 C.J.S. Constitutional Law § 6 . Declaration and protection of fundamental rights.

Even Emergencies do not authorize new power or authority

Emergencies do not authorize the suspension of a state constitution and its guaranties.¹ Thus, no new power or authority is created by a public emergency,² although such a situation may disclose the existence of latent power and may call for liberal construction of constitutional powers.³ 16 Am. Jur. 2d Constitutional Law § 62 Effect of emergency on supremacy of state constitutions

Emergencies do not authorize the suspension of a constitution and its guaranties.¹ Rules of expediency cannot be placed above the constitution² however well-intentioned the proponents of the departure from the constitution may be.³ The vitality of constitutional principles also cannot be allowed to yield simply because of a

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disagreement with them.⁴ Thus, an effort to accommodate community sentiment or the wishes of the majority of the voters, although usually valid and desirable, cannot justify the abandonment of a constitution.⁵ The rights guaranteed by a constitution are not, however, so absolute that they must be exercised under all circumstances and without any qualification but, like other rights, must always be exercised with reasonable regard for the conflicting rights of others.⁶ A constitution is not so rigid that it always mandates the same outcome even when its principles operate on a new set of facts that were previously unknown.⁷ 16 C.J.S. Constitutional Law § 7. Constitution not subject to suspension, departure, or abandonment

When one usurps authority which is not given. It is treason to the Constitution."
-- **Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.**

When one usurps authority which is not given. It is Treason so claiming an authority to force vaccines or masks under an emergency is a usurpation of authority already denied under 16 C.J.S. Constitutional Law § 7. Constitution not subject to suspension, departure, or abandonment & **16 Am. Jur. 2d Constitutional Law § 62 Effect of emergency on supremacy of state constitutions**

Further 5 U.S.C. § 7311 which explicitly makes it a federal criminal offense (and a violation of oath of office) for anyone employed in the United States, or State Government (including members of Congress) to "advocate the overthrow of our constitutional form of government. "We (judges) & officials have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would-be treason to the Constitution." -- **Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.**

An official is **in violation of** 5 U.S.C. § 7311 in his support of covid mandates as his/her support advocated the "overthrow of our constitutional form of government. Through usurpation of authority already denied under. 16 C.J.S. Constitutional Law § 7. Constitution not subject to suspension, departure, or abandonment & **16 Am. Jur. 2d Constitutional Law § 62 Effect of emergency on supremacy of state constitutions**

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An official **would also be in violation of** 25CFR11.448-ABUSE OF OFFICE, & VIOLATION OF an official's OATH OF OFFICE 18 USC 3571.

Any official who also has created false documents of emergency authority declaring his/her authority in covid matters FALSIFICATION OF DOCUMENTS 18 USC 1001 In particular, this law bans three types of lies: (1) Hiding a material Fact; (2) making a false statement; and (3) using a false writing. [United States v. Rodriguez-Rios](#), 14 F.3d 1040, 1044 (5th Cir. 1994). Prosecutors use this law in a variety of ways.

"We the People of the United States were promised a Constitutional Republic, not a democracy. Thus, a republican form of government guaranteed to the states by the United States Constitution,³ cannot be dispensed with or abolished.⁴ 16 Am. Jur. 2d Constitutional Law § 21 Subject matter and permissible scope of amendments to state constitutions—Federal limitations.

"We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare and secure the **Blessings of Liberty** to ourselves and our Posterity, did ordain and establish this Constitution for the United States of America."³ 16 Am. Jur. 2d Constitutional Law § 10 Adoption of United States Constitution.

In the United States, the Congress and all of its members, as well as the President of the United States,¹¹ all state¹² and federal officials, and all state and federal courts and judges¹³ are as bound by the United States Constitution **as are ordinary citizens**. 16 Am. Jur. 2d Constitutional Law § 6 2021 Update. This would include Sheriffs and all law enforcement, are bound by the United States Constitution.

The State's first significant problem is that the statements relied upon in the cases cited are pure and simple dicta, and, therefore, cannot serve as a source of binding authority as in American jurisprudence. See, e.g., *Alexander v. Sandoval*, 532 U.S. 275, 282, 149 L. Ed. 2d 517, 121 S. Ct. 1511 (2001) ("The Court is bound by holdings, not language."); *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 379, 128 L. Ed. 2d 391, 114 S. Ct. 1673 (1994) ("It is to the holdings of our cases, rather than their dicta, that we must attend . . ."); *United States v. Dixon*, 509 U.S. 688, 706, 125 L. Ed. 2d 556, 113 S. Ct. 2849 (1993) (quoting *United States Nat. Bank of Or. V.*

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Independent Ins. Agents of Am., Inc., 508 U.S. 439, 463, n.11, 124 L. Ed. 2d 402, 113 S. Ct. 2173 (1993),

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American jurisprudence is defiantly a source of binding authority on the Congress and all of its members, as well as the President of the United States,¹¹ all state¹² and federal officials, and all state and federal courts and judges¹³ are as bound by the United States Constitution & Constitutional Law, as are ordinary citizens. 16 Am. Jur. 2d Constitutional Law § 6 2021 Update.

This would include Sheriffs and all law enforcement, are bound by the United States Constitution & Constitutional Law.

Now as ordinary citizens are as bound by the United States Constitution & Constitutional Law, as any public officials, no Hospital, corporation, business, or other person or any of the people can lawfully demand any of the people take vaccines or

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wear a mask; this also includes schools, and school bords. 16 Am. Jur. 2d
Constitutional Law § 6 2021 Update.

Further every public officer has a duty of care held in trust for the people and are
to be exercised in behalf of the government or of all citizens who may need the
intervention of the officer to uphold the United States and state Constitution, and
Constitutional Law, every public officer's oath creates a legal obligation.

In tort law, a **duty of care** is a legal obligation, which is imposed on an individual
requiring adherence to a standard of reasonable care while performing any acts that
could foreseeably harm others.

63C Am.Jur.2d, Public Officers and Employees, §247 "As expressed
otherwise, the powers delegated to a public officer are held in trust for the people and
are to be exercised in behalf of the government or of all citizens who may need the
intervention of the officer. Indiana State Ethics Comm'n v Nelson (Ind App) 656 NE2d
1172, reh gr (Ind App) 659 NE2d 260, reh den (Jan 24, 1996) and transfer den (May 28,
1996).

Further every public officer who refuses to uphold the United States and state
Constitution, and Constitutional Law. Violates 5 U.S.C. § 7311 which explicitly makes it
a federal criminal offense (and a violation of oath of office) for anyone employed in the
United States, or State Government (including members of Congress) to "advocate the
overthrow of our constitutional form of government. "We (judges) & officials have no
more right to decline the exercise of jurisdiction which is given, than to usurp that which
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An official would also be in violation of 25CFR11.448-ABUSE OF OFFICE, &
VIOLATION OF an official's OATH OF OFFICE 18 USC 3571.

When a public officer refuses to uphold the United States and state Constitution,
and Constitutional Law, he/she usurps authority which is not given, and It is treason to
the Constitution." -- Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S.
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EMPLOYEE AND/OR DEPARTMENT AND/OR AGENCY, NOTICE TO OFFICER IS

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AGENCY, NOTICE TO DEPARTMENT IS NOTICE TO PRINCIPAL AND/OR AGENT
AND/OR OFFICER AND/OR EMPLOYEE AND/OR AGENCY, RESPONDEAT
SUPERIOR THIS NOTICE APPLIES TO ALL OFFICIALS ACTING IN TRUST OF THE
AMERICAN PEOPLE.